

HUMAN SERVICES BOARD

INTRODUCTION

FININDGS OF FACT

3. The petitioner has asked SRS to place the children in her custody and to grant her visitation. SRS has declined

to do so based on its belief that the petitioner is not a suitable person to care for or visit with the children.

4. The petitioner believes, although SRS does not admit, that SRS has taken its action based on a substantiation it made against her which was expunged by the Board.

5. The petitioner has attempted to obtain party status in the proceeding but has been denied by the Court. The Court stated that it expects to hear from the petitioner as a witness in the proceedings. (The petitioner reported that she was the person who reported her son and daughter-in-law to SRS for neglect of their children.)

6. The petitioner applied for and was denied a kinship foster care license by SRS in order to care for her grandchildren. She later withdrew her application, she says on the advice of SRS.

ORDER

The petitioner's appeal is dismissed for lack of jurisdiction.

REASONS

The Board has jurisdiction over an "applicant or a recipient of assistance, benefits or social services from SRS" or "an applicant for a license from SRS." 3 V.S.A. § 3091(a).

See also In Re Susan Kirkpatrick, 147 Vt. 637, 638 (1987), 3 V.S.A. § 3091(a). The juvenile court has "exclusive jurisdiction over all proceedings concerning any child who is or who is alleged to be . . . a child in need of care or supervision . . . 33 V.S.A. § 633(a). An integral part of those proceedings is a recommendation by SRS as to where a child should be placed while in its custody, subject to acceptance or rejection by the Court. 33 V.S.A. §§ 632(a), 633 and 667. See also In Re G.F. 142 Vt. 273 (1982).

The petitioner is not appealing any SRS denial of assistance, benefits, social services or licenses to her. She is appealing the placement decision of her grandchildren's custodian, SRS. The Board has no role in reviewing that placement as, under the above statute, it is within the exclusive jurisdiction of the juvenile court to approve or reject placement decisions. As the Board can only hear those cases which are statutorily under its jurisdiction, it cannot hear this matter and it should be dismissed. 3 V.S.A. § 3091(a).

The petitioner should be aware that should she renew her application for a foster care license and it is denied, she may appeal such a denial to the Board as it also has

jurisdiction, as noted above, over "applicants for a license" from SRS. See 3 V.S.A. § 3091(a).

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